

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 1-64 are pending with claims 1-22, 24-45, and 52-54 having been rejected. Claim 1 is amended herein. The Applicants would like to thank the Examiner for indicating that claims 23, 46-51, and 55-64 contain allowable subject matter and would be allowable if rewritten in independent form.

**II. 35 U.S.C. § 102 REJECTIONS**

The Examiner has rejected claims 1-22, 24-45, and 52-54 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,190,036.

Claim 1, as amended, recites:

at least three electrodes including at least one central electrode and two or more side electrodes;

a central electrode marker on the attachment means for locating the central electrode of the at least three electrodes adjacent the umbilicus of the subject; and

two axillary markers on the attachment means disposed on respective opposite sides of the central electrode marker for locating two corresponding side electrodes of the at least three electrodes spaced apart from the central electrode in a general direction towards a corresponding one of the right and left mid-axillary lines of the torso intermediate the rib cage and corresponding right and left iliac crests;

It is respectfully submitted that the relied upon portions of Linder do not teach a central electrode and two or more side electrodes in the arrangement recited in claim 1. Specifically, Linder does not teach means for “locating the central electrode...adjacent the ubbilicus of the subject,” or “two corresponding side electrodes...spaced apart from the central electrode in a general direction towards a corresponding one of the right and left mid-axillary lines of the torso

intermediate the rib cage." Accordingly, claim 1 patentably distinguishes over Linder and is allowable. Claims 2-64, which depend from claim 1 are allowable therewith.

Therefore, withdrawal of the rejections and allowance of the claims is respectfully requested.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By \_\_\_\_\_

Nathan D. Weber  
Registration No. 50,985  
(212) 588-0800  
Fax (212) 588-0500

00222385